DOCUMENT RESUME

ED 215 706 JC 790 554

AUTHOR Begin, James; And Others
TITLE Patterns of Faculty Collective Bargaining in Community Colleges.
PUB DATE 78
NOTE 18p.
JOURNAL CIT Rutgers-Camden Law Journal; v9 n4 p699-714 Sum 1978

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Arbitration; *Collective Bargaining; College Faculty; Community Colleges; Governance; *Grievance Procedures; Labor Economics; *Negotiation Agreements; State Surveys; *Teacher Salaries; Two Year Colleges
IDENTIFIERS *New Jersey

ABSTRACT

Based on a study conducted by Rutgers University, this article provides information on community college faculty bargaining in New Jersey with respect to negotiating structures, teacher salaries, scope of negotiations, contract administration, and governance agreements. After introductory material outlining the history of collective bargaining in New Jersey, Section II discusses the negotiating structure which results from the bargaining autonomy of local colleges and the altered composition of bargaining teams. In Section III, substantial and increasing variations in faculty salaries are noted, as are the institutional and regional characteristics positively correlated with high faculty salary. Salaries of community college faculty are then compared to those of other educational faculty. Section IV discusses variations in contract content among colleges and the relationship between the extensiveness of contract provisions and the level of faculty salaries. Section V reviews the administration of contracts with specific reference to grievance procedures and arbitration. Section VI examines faculty participation in college governance and notes an unstable and interdependent relationship between traditional governance mechanisms and collective bargaining. The report concludes with recommendations for stronger coordination between the colleges, counties, and state to provide broader input to local bargaining strategies. Data on salaries, contract content, and grievance actions are appended. (HB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED215706

PATTERNS OF FACULTY COLLECTIVE BARGAINING IN COMMUNITY COLLEGES

JAMES BEGIN
TED SETTLE
LAURIE BERKE-WEISS

Reprinted from
RUTGERS • CAMDEN LAW JOURNAL
Volume 9, Summer 1978, Number 4
Copyright © 1978 by Rutgers School of Law • Camden

JC 790 554

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

James P. Begin, and

John A. Marley

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✔ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

PATTERNS OF FACULTY COLLECTIVE BARGAINING IN COMMUNITY COLLEGES*

James Begin†
Ted Settle††
Laurie Berke-Weiss†††

I. INTRODUCTION

In the mid-1960's, community college faculties began utilizing collective bargaining to determine wages, hours and conditions of employment and to deal with institutional management.[1] By the end of 1977, the faculties in thirty percent of all public community colleges in the country had been unionized.[2] The faculty collective bargaining movement hit New Jersey community colleges soon after enactment of legislation allowing public employees to enter into bargaining relationships with their employers.[3] Most colleges unionized within the first year after passage of the law.[4] By 1975 all sixteen public institutions in New Jersey were unionized, with eleven local

---

* This commentary is based on data gathered by the authors in the course of a study report conducted for the New Jersey Department of Higher Education.

† B.S., M.S., Ph.D., Purdue University.

†† B.A., University of California at Berkeley; B.D., McCormick Theological Seminary; M.A., Miami University of Ohio; Ph.D., Rutgers University.

††† B.S., New York State School of Industrial and Labor Relations, Cornell University; M.A., Rutgers University.

1. For a review of the origins of faculty collective bargaining, see J. GARBARINO, FACULTY BARGAINING (1975).

2. J. BEGIN, T. SETTLE, & L. BERKE-WEISS, COMMUNITY COLLEGE COLLECTIVE BARGAINING IN NEW JERSEY: STUDY REPORT AND RECOMMENDATIONS 43 (1977) (hereinafter cited as STUDY REPORT).

3. New Jersey Employer-Employee Relations Act, N.J. STAT. ANN. §§ 34:13A-1 to -13 (West 1965 & Cum. Supp. 1977), *as amended by* Act of May 10, 1977, ch. 85, 1977 N.J. Sess. Law Serv. 240. The Act codified the essence of the recommendations of a study commission created by the New Jersey Legislature to study the feasibility of public employment collective bargaining in New Jersey. *See* FINAL REPORT OF THE PUBLIC AND SCHOOL EMPLOYEES' GRIEVANCE PROCEDURES STUDY COMMISSION TO THE GOVERNOR AND THE LEGISLATURE, STATE OF NEW JERSEY 20 (1968). The Act was subsequently amended in a number of areas, including provisions dealing with the scope of negotiations, unfair labor practices and negotiating time schedules. *See* Act of Oct. 21, 1974, ch. 123, 1974 N.J. Laws 560, *codified in* N.J. STAT. ANN. § 34:13A-1 to -13 (West Cum. Supp. 1977). Compulsory binding interest arbitration for fire and police disputes was provided for by a further amendment to the Act contained in Chapter 85 of the laws of 1977. Act of May 10, 1977, ch. 85, 1977 N.J. Sess. Law Serv. 240 (to be codified in N.J. STAT. ANN. § 34:13A-14 to -21).

4. STUDY REPORT, *supra* note 2, at 41, 44.

bargaining agents at that time affiliated with the New Jersey Education Association (NJEA) and four aligned with the American Federation of Teachers (AFT).[5]

Faculty collective bargaining in New Jersey institutions, not unlike the national pattern, was spurred by the passage of enabling legislation and the general growth of public sector unionism.[6] Additionally, the rapid growth of new colleges which created authoritarian leadership patterns, ineffective or nonexistent faculty participation in governance and perceived economic inequities were also important catalysts.[7]

The major findings and recommendations of a study by the Research Department of the Institute of Management and Labor Relations, Rutgers University,[8] on the negotiating structure, salary, scope of negotiations, contract administration and governance agreements in New Jersey community college faculty bargaining are herein summarized.

II. Negotiating Structure

A. *Bargaining Units*

Bargaining units in New Jersey community colleges stem from the decentralized operation of the colleges.[9] Under the New Jersey model, administrative control is shared by county and state authorities.[10] Accordingly, each college comprises a separate bargaining unit.[11] Negotiations with the unions are conducted at the college

---

5. *Id.* at 44. The 15 public colleges are Atlantic (NJEA), Bergen (NJEA), Brookdale (NJEA), Burlington (NJEA), Camden (AFT), Cumberland (NJEA), Essex (NJEA), Gloucester (AFT), Mercer (NJEA), Middlesex (AFT), Morris (NJEA), Ocean (NJEA), Passaic (NJEA), Salem (NJEA) and Somerset (AFT). *Id.* A sixteenth public two-year college in Hudson County was not included in this group as it does not have a faculty or physical facilities for teaching, but sends its students to local public and private institutions. *Id.* In addition, a private two-year institution, Union College, was unionized by the American Association of University Professors (AAUP). *Id.*

6. *See* J. Garbarino, *supra* note 1.

7. For a comprehensive discussion of the origins of faculty bargaining in New Jersey community colleges, see Study Report, *supra* note 2, at 175-86.

8. Study Report, *supra* note 2.

9. N.J. Stat. Ann. § 18A:64A-3 (West 1968) provides that community colleges are to be established to cover one or more counties. Each college is to be under the control of a board of trustees consisting of the county superintendent of schools and eight additional members appointed by the county board of chosen freeholders. *Id.* § 18A:64A-8 (West 1968).

10. *Id.* § 18A:64A-3.

11. The issue of whether a state or local unit would constitute an appropriate bargaining unit has never been considered by the Public Employment Relations Commission (PERC). However, in light of the statutory mandate that PERC give "due regard" to the community interest among the employees concerned, *id.* § 34:13A-5.3 (West Cum. Supp. 1977), and consis-

level with no county or state official participating directly in bargaining policy formation or sitting on the local bargaining team.[12] As a result of this arrangement, local colleges retain bargaining autonomy within the budgetary constraints established by the state, the county and student tuition payments.[13]

Both state and county authorities have attempted to achieve greater control over college operations.[14] This process is evidenced by the notation by the Department of Higher Education (DHE) in its annual budget that state funding for a community college would be affected by the amount that salaries exceed equivalent salaries at state colleges.[15] In addition, county governing bodies have sought to exercise greater control over the local colleges through a variety of court actions and reorganization plans.[16]

B. Bargaining Teams

The composition of bargaining teams has undergone substantial evolution during the history of negotiations.[17] At eight institutions, the boards of trustees initially played a major role in negotiations with the faculty.[18] In two instances, no other management representatives were present at the bargaining table, and at three colleges the board members served as chief negotiators, although administrators were at the table.[19] In the most recent round of negotiations, however, a board member was present at the bargaining table in only one instance, and in that case, an outside professional served as chief negotiator.[20]

A major impetus to the changing role of governing boards in negotiations is the substantial time investment required, for, in many instances, negotiations have lasted from twelve to eighteen months.[21] Another reason for this shift is the increasing complexity of negotia-

---

tent with the legislative scheme for local control of community colleges, the issue would appear to be foreclosed.

12. *See* STUDY REPORT, *supra* note 2, at 48-51.

13. Pursuant to legislative formula, 35% of the funds are provided by the county, 28% by the state and the rest by tuition payment. *Id.* at 48.

14. *See id.* at 23-24.

15. *Id.*

16. *Id.*

17. For a summary of the evolution of bargaining teams with respect to the participation of board of trustees members, college presidents, outside consultants and other administrative staff, see *id.* at 59-62.

18. *Id.* at 59.

19. *Id.*

20. *Id.*

21. *Id.*

tions, which leaves board members, who are often unaware of day-to-day operations, at a disadvantage. Nevertheless, the governing boards are actively involved in setting parameters for negotiations, and most boards have negotiating committees that provide input to the college-based team.[22] In the past, presidents of six colleges attended negotiations, but at the most recent negotiations only two presidents were at the table.[23] Although the time demand was an important constraint, the most common explanation for the absence of the presidents was that their presence would have made future daily relations with the faculty difficult.[24]

Initially, colleges brought in outside professionals to participate at the bargaining table, usually as chief negotiators.[25] In the most recent round of negotiations, five colleges were also represented by outside professionals.[26] Significantly, colleges that had initially employed outside professionals turned to inside professionals, while two other schools began using outside negotiators.[27] Five other colleges that had employed outside professionals at some point in their negotiating history stopped using them as full-time negotiators.[28] The current practice is for outside negotiators, who usually are attorneys, to be retained for purposes of consultation on technical matters.

Other colleges have developed or hired experts within their administrative staff. In fact, the greatest change in the employer bargaining teams has been the development of a cadre of experienced staff professionals who are expected to handle faculty and other labor negotiations. These staff negotiators recently formalized these contacts by forming a statewide organization.[29] Four colleges have exclusively utilized administrative staff at the table[30] and, in the most recent negotiations, ten colleges employed only administrative staff.[31] The

---

22. *Id.*

23. *Id.*

24. *Id.* The interviews conducted by the authors revealed that college administration officials felt that faculty negotiators had a tendency to "pick on" the president if he were at the table. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.* One college mentioned cost as a factor in its reduced utilization of an outside negotiator. Another college declined to use outside professionals in an effort to discourage the union from accepting outside assistance from its state or national staff. *Id.* at 51.

29. *Id.* The college staff negotiators created an organization entitled the New Jersey Association of County Community College Negotiators, which, in essence, is a coalition for the purpose of shaping collective bargaining policies. *Id.*

30. *Id.*

31. *Id.*

administrative bargaining teams varied among the colleges, but usually included personnel directors, academic deans and business officers.[32] The New Jersey experience in regard to negotiating structure is consistent with the national pattern.[33]

III. Faculty Salaries

Some of the greatest differences in bargained agreements among the community colleges occur in the area of salaries.[34] Not only are there substantial salary variations, but the differences appear to be increasing.[35] In 1973, the average salary difference between the high and low institutions was twenty-two percent, while by 1976, the difference had increased to twenty-eight percent.[36] (See Appendix I).

A correlation of average faculty salary at each institution[37] with a number of variables indicated that salary was positively and strongly correlated with: (1) the percent of college faculty with a doctorate (.62); (2) the number of years the institution had been in operation (.57); (3) the average salary for public school teachers in counties with colleges (.48); and (4) the per capita county property valuation (.48).[38] Positive, but weaker, correlations occurred with: (1) faculty size (.36); (2) geographical location—north or south (.28); and (3) the proportion of faculty in the associate or full professor ranks (.28).[39] A strong negative correlation occurred between salary and the frequency with which impasse procedures were invoked during negotiations (−.65).[40] This may indicate that employers taking a harder position on salary increases are forced into impasse more often. Additionally, no relationship was found between average salary and national or state affiliation of the local bargaining agent.[41]

Salary relationships among New Jersey educational institutions have changed substantially under bargaining. (See Appendix II). From 1973 to 1976 the difference between community college and school district salaries has increased, which means that community

32. *Id.*

33. *See id.* at 52-58.

34. For a comprehensive discussion of faculty salaries in New Jersey community colleges, see *id.* at 67-101.

35. *See* Appendix I *infra*.

36. *See* STUDY REPORT, *supra* note 2, at 68.

37. A multivariate analysis confirmed the usefulness of this approach in explaining differences in salaries. *See id.* at 68-74.

38. *Id.* at 82.

39. *Id.*

40. *Id.*

41. *Id.* This finding appears consistent with other research findings on the effect of national affiliation on local faculty salaries. *See* Begin, *Faculty Bargaining and Faculty Reward Systems*, in ACADEMIC REWARD STRUCTURES (D. Lewis & W. Becker eds. forthcoming).

college salaries are now closer to state college salaries.[42] In fact, community college faculty salaries at present overlap state college salaries at both the instructor and assistant professor ranks.[43] From 1973 to 1976, community college faculty salaries increased by an average of twenty percent compared to eighteen percent for public school teachers.[44] During the same period, community college salaries also outpaced state college salaries at every rank by four to six percent.[45] Structural factors, such as the change in distribution of faculty members across ranks in community colleges, have contributed to these changes. This changed distribution may create additional upward salary pressures as faculty members are promoted to upper ranks. Currently, most faculty members at community colleges are placed in the two lower academic ranks.[46] The increase from 1973 to 1976 in the absolute number and proportion of faculty members at New Jersey community colleges who are in the two higher academic ranks has, however, far surpassed increases at other New Jersey institutions of higher education.[47]

IV. Contract Content

Community college contracts vary greatly in terms of content.[48] In order to measure the degree of difference, the study used the device of assigning points to indicate the scope of negotiated items in several categories. The result was a 100 percent variation in total points between the contracts with the highest and lowest total points. (See Appendix III).[49] In terms of scope, three colleges negotiated relatively extensive contract provisions, while a medium degree of contract content was found at seven colleges and relatively low contract content developed from negotiations at six colleges.[50]

In comparison with other New Jersey institutions, the high content community college category is equivalent in contract scope to the

---

42. *See* Appendix II *infra*.

43. *See* Study Report, *supra* note 2, at 74. Instructor and assistant professor positions comprise the lower academic rank while associate professor and full professor are the two higher academic positions.

44. *Id.* at 76-79.

45. *Id.* at 75.

46. *See* Appendix II *infra*.

47. *See* Study Report, *supra* note 2, at 75, 192-93. This increase is partially attributable to the fact that community colleges were created much more recently than their four-year counterparts and consequently employ fewer people in the higher ranks.

48. For a comprehensive discussion of contract scope in New Jersey community colleges, see *id.* at 103-18.

49. *See* Appendix III *infra*.

50. *Id.*

four-year private institutions.[51] The middle category is comparable to the New Jersey State College contracts, and the low category is comparable to the contracts of other four-year public institutions in New Jersey.[52]

Substantial variation occurs in the contract content by general issue categories. In general, the contracts were most specific about workload, grievance procedures, fringe benefits and faculty personnel procedures, such as evaluation, promotion and tenure.[53] While some penetration has been made in the areas of management rights, long-range planning, union privileges and general working conditions,[54] little penetration has occurred in the areas of educational policy, contractual policymaking mechanisms such as committees or senate procedures, and institutional direction such as budget preparation and selection of administrators.[55]

The greatest differences among the community colleges in contract content were found in the areas of grievance procedures, workload, educational policy, long-range planning and general working conditions.[56] On the other hand, contract provisions regarding fringe benefits, union privileges, management rights and faculty personnel procedures revealed the fewest variations.[57]

Apparently, contract issues serve as a trade-off in salary negotiations.[58] A comparison of contract scope with average faculty salary indicated that the colleges with the most extensive contract provisions had below average salaries, while the group of colleges with the least extensive contract provisions tended to have above average salaries.[59] For all colleges, the correlation between salary and contract content was slightly negative.[60]

V. Contract Administration

The number of grievances filed and arbitration cases processed at the community colleges has not been high.[61] While four colleges

---

51. *Id.*

52. *Id.* The comparable four-year institutions are Rutgers, The State University, New Jersey College of Medicine and Dentistry and New Jersey Institute of Technology.

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.*

58. *See* Study Report, *supra* note 2, at 71-72.

59. *Id.* at 71.

60. *Id.*

61. *See* Appendix IV *infra*. For a comprehensive treatment of contract administration in New Jersey community colleges, see Study Report, *supra* note 2, at 129-40.

had twenty-five or more grievances over eight or nine years of bargaining history,[62] only one institution studied had what can be considered a substantial number of grievance and arbitration cases. (See Appendix IV).[63]

Although the number of grievances at most institutions has been low, some tentative conclusions may be drawn. First, the length of the bargaining relationship has little effect on the utilization of the grievance procedure.[64] Second, the generally low rates are due, in part, to reliance on internal resolution of grievances, often at an informal stage. The smaller size of the community colleges in comparison to the four-year colleges may be responsible for this pattern of resolution.[65] Third, limitations on the scope of the grievance and arbitration processes have also contributed to the infrequent use of the grievance procedure.[66] For example, in some agreements appointment, promotion, tenure and workload issues, although negotiable, are not subject to arbitration.[67] Finally, the institution experiencing the highest grievance rate had one of the most comprehensive contracts.[68] More importantly, the bargaining relationship at that institution had historically been poor, as evidenced by the occurrence of a strike.[69] At the institutions with higher grievance rates, use of the grievance procedure also reflected more generalized faculty-administration tensions. In comparison, wide variations in the grievance rate at New Jersey state colleges also tend to reflect faculty-administration relationships at individual institutions.[70] Similarly, the low grievance rate at Rutgers University reflects a stable faculty-administration relationship.[71]

---

62. *See* Appendix IV *infra*.

63. *Id.* Data from Pennsylvania community colleges on the number of arbitration cases processed over a five-year period also indicate a low rate of activity. *See* W. Gershenfeld & K. Mortimer, Faculty Collective Bargaining Activity in Pennsylvania: The First Five Years (Center for Labor and Manpower Studies, Temple University and Center for the Study of Higher Education, Pennsylvania State University 1976).

64. *See* STUDY REPORT, *supra* note 2, at 130.

65. *Id.*

66. *Id.*

67. *Id. See generally* F. ELKOURI & E. ELKOURI, HOW ARBITRATION WORKS 59-67 (3d ed. 1973).

68. *See* STUDY REPORT, *supra* note 2, at 131.

69. *Id.*

70. *Id. See* J. Begin & G. Storholm, The Effects of the Faculty Grievance Procedure in the New Jersey State College (1978) (unpublished manuscript in Research Department of the Institute of Management and Labor Relations, Rutgers University).

71. STUDY REPORT, *supra* note 2, at 131. *See* Begin, *Grievance Mechanisms and Faculty Collegiality: The Rutgers Case*, 31 INDUS. LAB. REL. REV. 295-309 (1978).

The most frequently grieved issues at community colleges concern operation of appointment procedures and, promotion, tenure and related evaluation practices.[72] Workload, including related compensation problems, and teaching assignments were also important sources of grievances.[73] At the other public institutions in New Jersey, grievances relating to appointment procedure, promotion and tenure also dominate. At the state colleges, these issues comprised three-quarters of the first thirty-three arbitration awards,[74] while at Rutgers University they accounted for ninety-five percent of the grievances.[75] The generally more extensive coverage of community college contracts may explain the wider range of grievance-arbitration issues.[76]

Operation of the grievance procedures was found to have organizational effects in a number of areas. Interviews conducted in connection with the Study Report produced a general conclusion that the grievance process contributed to a regularization and a formalization of institutional policies, particularly regarding faculty personnel and workload.[77] The interviews also pointed out potential problems with internal authority relationships.[78] Both faculty-department chairperson and faculty-dean relationships have been strained at some institutions. Strains have also been reported between the professional personnel staffs and the academic affairs administrators.[79] The higher degree of tension in the community colleges, as opposed to the four-year institutions, might stem from the varying sources of the grievances. In the four-year institutions, grievances were often against departmental peers, while in the community college the grievances were against the administration, that is, deans and department chairpersons who were not in the unit. Additionally, at the community colleges, the department chairpersons and deans had a more dominant role in faculty personnel decisions.[80]

---

72. *See* STUDY REPORT, *supra* note 2, at 130-31.

73. *Id.* at 131. This result appears consistent with an analysis of early arbitration awards in higher education in general. *See* Benewitz, *Grievance and Arbitration Procedures*, in FACULTY BARGAINING IN THE SEVENTIES 153 (T. Tice ed. 1973).

74. *See* J. Begin & G. Storholm, *supra* note 70, *noted in* STUDY REPORT *supra* note 2, at 132.

75. *See* Begin, *supra* note 71, at 300, *noted in* STUDY REPORT, *supra* note 2, at 132.

76. *See* STUDY REPORT, *supra* note 2, at 152.

77. *See id.* at 132.

78. *Id.* at 132-33.

79. *Id.* at 133. The academic affairs administrators often feel excluded from the contract administration process. *Id.*

80. *Id.*

The complexity of the interaction of collective bargaining and diffused decisionmaking power in the New Jersey higher education context has been illustrated. When the Department of Higher Education (DHE) requested that colleges develop ten-year tenure plans, the union at one institution grieved the implementation of the policy on the basis that it violated an existing contract with the local college.[81] The college lost the case in arbitration but eventually prevailed in the courts with DHE participation in the case.[82] This relationship between bargaining and management authority is, however, still being defined. The Public Employee Relations Commission (PERC) has decided that once a public employer has negotiated permissive issues, the issues are arbitrable if otherwise permitted by the contract.[83] It is not clear what the result would be should the DHE or the governor's Office of Employment Relations (OER) feel that certain issues, whether mandatory or permissive, are under their jurisdiction. Such unresolved issues illustrate that collective bargaining is highlighting and reinforcing authority problems in community college-state relationships.[84]

Conversely, management rights problems have been minimized in the educational policy area since contracts do not deal in a major way with these issues. At one campus, however, the administration felt that its ability to introduce innovative teaching methods was potentially limited by the contract.[85]

Finally, the contract language agreed to by the parties is, in some cases, poorly written or unclear, which often results in unnecessary problems. The low rate at which unions have grieved the contracts, the administrations' high arbitration win rate and the few problems with the language in arbitration illustrate, however, that the colleges have not been seriously disadvantaged by the contractual language.[86]

VI. GOVERNANCE

The fact that the creation of the community colleges coincided with the enactment of legislation enabling collective bargaining in the public sector meant that no long tradition of faculty participation in

---

81. *Id.*
82. *Id.* at 133-34.
83. *Id.* at 134.
84. *Id.*
85. *Id.*
86. *Id.*

decisionmaking had developed prior to the onset of collective bargaining.[87]

Despite this lack of experience in governance, nine of the sixteen colleges have developed representative forms of faculty participation outside of bargaining.[88] Four colleges have committee structures and two have no governing structure outside the contract, although one college is now developing a representative system.[89] In three of the four colleges in which faculty involvement is primarily through a committee structure, the procedure by which faculty members are appointed has been negotiated.[90] In fact, at one of these institutions, the bargaining agent has the right to appoint a person to each of the standing committees of the college.[91] In eight of the nine colleges in which a representative body is involved in decisionmaking, the selection of the representatives is made by faculty, administrators and students from their respective groups.[92] At the ninth college, membership is limited to the faculty and administrators.[93]

In all colleges in which there is a representative body, the body's decisions are forwarded as recommendations to the college president who, on issues requiring board approval, submits his own recommendations to the college's board of trustees. In several of the community colleges, the representative body can override a presidential veto and make a presentation of its own position to the board of trustees at the same time as the president.[95]

The evolving relationships between traditional governance mechanisms and collective bargaining can best be characterized as interdependent and unstable. One-fourth of the sixteen colleges have not changed the mode of faculty participation outside of collective bargaining.[96] Two of these maintain a committee structure and one has no involvement other than through the committees negotiated in the contract.[97] In at least three institutions during the bargaining history, traditional governance mechanisms have gone out of exis-

---

87. For a comprehensive treatment of governance systems in New Jersey community colleges, see *id.* at 119-28.
88. *Id.* at 120.
89. *Id.*
90. *Id.*
91. *Id.*
92. *Id.*
93. *Id.*
94. *Id.*
95. *Id.* at 121.
96. *Id.*
97. *Id.*

tence because of perceived jurisdictional conflicts with the collective bargaining process.[98] However, more recently in all three of these institutions, representative bodies have been reinstated and continue to operate at present.[99]

This instability in the relationship between the more traditional modes of faculty participation and the newer modes of faculty participation through collective bargaining developed due to uncertainty over the respective jurisdictions of the two forms of faculty participation. The boundaries between the two mechanisms have been evolving. This process has been aided in the past two years by changes in the state collective bargaining statute[100] and subsequent PERC decisions on scope of negotiations.[101] Faculty personnel procedures, salaries and benefits are generally handled in bargaining, while input on educational policy issues occurs through assemblies, committees or informal mechanisms.[102] There is some evidence that faculty interest in traditional governance tends to wane as bargaining begins to deal with issues of greater interest to faculty.[103] The evidence, however, is too sparse and the experience under bargaining too brief to draw definite conclusions.

In most instances the accommodations between bargaining and governance have evolved out of active efforts by administrative personnel and bargaining agents to preserve an alternate forum for faculty participation. The research indicates that despite the presence of collective bargaining, unions, faculty and administrators have felt a need for an academic forum which provides for broad faculty participation on issues not addressed in negotiations.[104] Union participation in both collective bargaining and governance has generally contributed to the stability of traditional senates. Apparently, dual union participation provides the union some assurance that the bargaining relationship will not be undermined and that administrators will be willing to continue consulting the membership of the governance body, as long as the union does not assume a militant stance.[105] At those institutions in which the governance system is operating more effectively, the overall scope of the contract tends to be less extensive than at those

98. *Id.*
99. *Id.*
100. *See* Act of Oct. 21, 1974, ch. 123, 1974 N.J. Laws.
101. *See* STUDY REPORT, *supra* note 2, at 120.
102. *See id.* at 122.
103. *Id.*
104. *Id.*
105. *Id.* at 123.

institutions in which there are nonexistent or less effective systems of governance in operation.[106]

In general, the experience and evidence on bargaining-governance interactions is too limited to draw definite conclusions. Nevertheless, New Jersey community college experience indicates that after substantial initial tension among the alternate modes of faculty participation, efforts are being made to accommodate bargaining with the more traditional mechanisms for faculty input.[107]

VII. Conclusion

The Study Report revealed considerable variation among New Jersey community colleges with respect to the processes and outputs of the collective bargaining systems. While the differences do not appear to stem from varying program needs or labor market differences, the variations, for the most part, are the product of: (1) the particular organizational structure used to administer the New Jersey community colleges, that is, the dual state/county control designed to make the colleges more responsive to local community needs; and (2) within the context of this structure, the failure of the development of intraorganizational bargaining relationships on the management side of the bargaining table.

While it is not suggested that bargaining be centralized at the state level,[108] stronger coordinating linkages between the colleges, the counties and the state should be developed to provide broader input to local college bargaining strategies. Additionally, the emerging trend toward the development of local labor relations expertise should be encouraged at all institutions. Finally, to bolster an evolutionary adjustment of intercollege differences which do not reflect differing labor markets or program needs, comparative salary and contract data should be reported on a continuing basis.

The success of the colleges in developing a coordinated approach to bargaining, professional staffs and better bargaining information may contribute to their ability to continue negotiating in a decentralized pattern by defusing current efforts by state and county authorities to achieve greater control.

---

106. *Id.*

107. *Id.* at 124.

108. Statewide bargaining would interfere with the bargaining trade-offs that have occurred at individual institutions as well as with the several good bargaining and grievance relationships that have emerged.

APPENDIX I

AVERAGE COUNTY COLLEGE SALARIES BY COLLEGE AND YEAR*

	1973		1974		1975		1976	
College	Salary	Rank	Salary	Rank	Salary	Rank	Salary	Rank
Atlantic	13,034	9	12,774	15	15,088	10	16,223	8
Bergen	14,004	1	15,235	1	16,617	2	17,657	1
Brookdale	11,621	15	14,130	7	16,624	1	16,183†	9
Burlington	13,415	5	14,004	8	14,984	11	15,874	12
Camden	11,711	14	13,646	10	14,692	14	16,382	7
Cumberland	13,198	7	14,348	5	15,675	7	17,036	2
Essex	12,277	12	14,237	6	15,202	9	15,996	11
Gloucester	11,916	13	13,325	13	14,524	15	16,052	10
Mercer	12,696	11	13,543	11	14,853	12	15,675	15
Middlesex	12,999	10	13,467	12	14,693	13	15,832	13
Morris	13,776	3	14,780	3	15,549	8	16,646	4
Ocean	13,999	2	14,865	2	15,991	4	16,994	3
Passaic	13,690	4	13,153	14	16,021	3	15,701	14
Salem	11,504	16	12,343	16	12,840	16	13,775	16
Somerset	13,258	6	13,992	9	15,870	6	16,496	6
Union**	13,137	8	14,525	4	15,976	5	16,578	5
Average	13,000		14,002		15,364		16,291	

* Based on nine- to ten-month contract.

† Still negotiating and being paid according to the 1975-76 salary schedule.

** This is a private institution. *See* note 5 *supra*.

Source: HEGIS Forms 40273, 40274, 40275 and 40276 compiled by New Jersey Department of Higher Education.

APPENDIX II

COMPARISON OF AVERAGE SALARIES AT NEW JERSEY EDUCATIONAL INSTITUTIONS*

	1973	1974	1975	1976
Elementary and Secondary Schools†	11,300	11,920	12,618	13,588
Community Colleges**	13,000	14,002	15,364	16,291
State Colleges**	15,599	16,499	16,820	18,097
Rutgers University**	17,319	19,262	20,359	21,445
N.J. Institute of Technology (NJIT)**	19,382	22,094	20,842	23,481
Independent Colleges**	15,637	16,614	17,859	18,807

* Based on nine- to ten-month contract.

† Source: New Jersey Education Association.

** Source: STUDY REPORT, *supra* note 2, at 193-94.

APPENDIX III

CONTENT OF NEW JERSEY HIGHER EDUCATION CONTRACTS*

	Grievance Procedure	Faculty Personnel Procedures	Management Rights	Institutional Direction	Long-Range Planning	Union Provisions	Working Conditions	Educational Policy	Fringes	Workload	Governance Procedures	Total	Rank	Total Contracts
Community Colleges														
Atlantic	4	3	5	1	3	2	1	1	3	5	0	28	6	6
Bergen	1	4	4	0	1	2	0	1	3	4	0	20	10	5
Brookdale	3	3	2	0	3	2	0	1	2	1	0	17	11	3
Burlington	2	3	4	0	1	2	2	2	4	3	0	23	8	4
Camden	5	4	3	5	3	3	4	4	4	5	0	40	1	5
Cumberland	1	3	2	0	2	2	4	2	3	1	0	20	10	5
Essex	5	4	3	0	1	3	4	2	4	2	4	5	0	31
Gloucester	5	3	5	1	2	3	2	2	3	4	0	30	5	5
Middlesex	4	4	3	0	2	3	3	2	3	3	0	27	7	4
Mercer	5	3	5	1	3	3	4	3	4	5	0	36	3	6
Morris	4	4	3	0	2	2	2	1	2	1	0	21	9	1
Ocean	4	3	4	1	2	2	2	2	3	4	0	27	7	5
Passaic	2	3	3	0	1	1	0	1	2	3	0	16	12	3
Salem	4	3	2	0	2	1	1	2	3	2	0	20	-	1
Somerset	4	3	4	1	3	2	2	1	4	4	0	28	6	5
Union†	4	5	3	3	4	3	3	3	2	4	5	39	2	1
Ranking	2	3	2	8	6	5	6	7	4	1	9			
Average	3.54	3.43	3.43	0.87	2.18	2.34	2.20	1.87	3.06	3.60	0.31	27		63
State Colleges	4	2	3	4	2	4	3	2	1	2	0	27		
NJIT	4	4	3	0	3	2	1	1	1	0	2	21		
CMDNJ	1	1	4	0	1	2	0	0	0	0	0	9		
Rutgers	2	1	4	0	1	3	0	1	1	1	0	13		
Rider	4	4	3	1	[illegible]	4	4	1	2	3	5	33		
Monmouth	4	5	2	0	2	1	1	2	2	5	0	24		
Fairleigh Dickinson	5	4	2	5	4	3	2	2	3	4	5	39		

*Point values from 0 to 5 assigned to contract provisions, with the lowest point values indicating that management has agreed to only limited language in the identified areas, and the higher point values indicating strong language from the unions' perspectives. For example, a score of "5" in the management rights category indicates strong language in the contract dealing with management rights.

†This is a private institution. *See* note 5 *supra*.

Source: STUDY REPORT *supra* note 2, at 118.

APPENDIX IV

GRIEVANCE EXPERIENCE IN COMMUNITY COLLEGES IN NEW JERSEY

	Number of Formal Grievances	Number of Arbitration Cases
Atlantic	11	2
Bergen	5	0
Brookdale	40	5
Burlington	6	1
Camden	25	4
Cumberland	45	No arbitration
Essex	51	0
Gloucester	7	1
Mercer	12	2
Middlesex	≈100	≈30
Morris	13	4
Ocean	11	0
Passaic	1	1
Salem	0	0
Somerset	8	5
Union	6	0

Source: STUDY REPORT, *supra* note 2, at 136-38.

UNIVERSITY OF CALIFORNIA
ERIC CLEARINGHOUSE FOR
JUNIOR COLLEGES
96 POWELL LIBRARY BUILDING
LOS ANGELES, CALIFORNIA 90024
EE 36

JUN 18 1982